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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,091	05/30/2001	James E. Doyle	SUS01 P314	8506

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,091

Applicant(s)

DOYLE ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19 and 21-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-7,9-18,21,22 and 24 is/are allowed.
6) ☒ Claim(s) 19, 23, 25 and 26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the sixth office action for U.S. Application 09/870,019 for a Motor Mount filed by James E. Doyle et al. on May 30, 2001. Claims 8 and 20 have been canceled.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "said thrust bearing and washer" in lines 8 and 9. There is insufficient antecedent basis for this limitation (the washer) in the claim.

Claim Rejections - 35 USC § 103

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by Applicant in view of Baker, and in further view of U.S. Patent 5,224,429 to Borgman et al. The prior art disclosed by Applicant (Page 1, lines 11-21) discloses a motor assembly with a drive shaft extending therefrom for coupling to a drive screw (page 1, line 14-16). The drive screw extends into a telescopic leg assembly and couples to a drive nut for extending or retracting one leg with respect to another. There is a base on top of the inner leg and the motor housing is attached to the base by at least one threaded fastener.

The prior art disclosed by Applicant does not specifically disclose a pin extending from a motor mounting plate as the fastener for fastening the motor assembly to the base and it does not disclose a rubber grommet inside of an aperture in the base for receiving the pin. Baker discloses a means and method for reducing vibration and noise between an electric motor (1) and its application. The motor has an endshield (15) with four tapered pins (25) extending therefrom parallel to a drive shaft (13), for securing the motor to the application. The drive shaft is connected to the motor assembly, extends through an aperture in the base, and a bearing between the base and the drive shaft.

The application has a plate (23) that has four apertures (17) with four rubber grommets (29) for receiving the studs that extend from the motor and isolating vibration between the motor assembly and the application. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized rubber grommets in the apertures of the base taught by the prior art, as taught by Baker, for the purpose of receiving the pins or fasteners of a motor assembly and isolating vibration between the motor and the application.

Baker does not disclose the specific angle of the taper of the pins, but that is a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention. Baker also fails to disclose a pin with a majority of its tapered portion in contact with the elastomeric element. However, Baker does disclose that it is conventional in the prior art to make the grommet bore substantially the same as the shape of the pin. It would have been obvious to one of ordinary skill in

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the art at the time of the present invention to have utilized a bore such as that which is conventional in the prior art as a matter of design preference.

The prior art disclosed by Applicant in view of Baker, does not disclose a thrust bearing and washer extending between the base and the drive screw. Borgman et al. discloses a telescopic leg assembly with a drive screw (53 and 62) extending through a base (66). The drive screw has a thrust bearing (56) between the base and drive screw that receives forces from the drive screw. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a thrust bearing between the drive shaft and base in place of the bearing taught by taught by the prior art disclosed by Applicant in view of Baker, as taught by Borgman et al., for the purpose of receiving forces.

Allowable Subject Matter

Claims 1-7, 9-18, 21, 22, and 24 are allowed. Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a motor assembly with a drive shaft; a base for supporting a driven element coupled to the drive shaft; an elastomeric coupling between the motor assembly and the base, preventing rotation of the motor assembly relative to the base;

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a thrust bearing engaging the base of the driven element such that forces applied to the base are compressably transmitted to the driven element through the thrust bearing and washer; wherein the elastomeric coupling comprises at least one member extending from the motor assembly toward the base; at least one aperture in the base aligned with the member, an elastomeric grommet fitted in the aperture for receiving the member; and wherein the at least one member includes a tapered portion, a majority of which is in contact with the elastomeric grommet to thereby substantially prevent movement of the motor assembly relative to the base and to position the motor assembly relative to the base.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 23 September 2004 have been fully considered but they are not persuasive. With respect to claims 25 and 26, Applicant claims a "pin having a constant taper along a length thereof. However, the pin disclosed by Baker has a constant taper along a length thereof (between 25 and 31).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

slm

Steven Marsh

January 10, 2005


ANITA KING
PRIMARY EXAMINER